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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,094	10/08/2003	Yasushi Kasai	03500.017624	4435
5514 7590 10/15/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
CUTLER, ALBERT H				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
10/15/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/680,094

**Applicant(s)**

KASAI, YASUSHI

**Examiner**

ALBERT H. CUTLER

**Art Unit**

2622

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is responsive to communication filed on June 16, 2008.

***Information Disclosure Statement***

2. The Information Disclosure Statement (I.D.S.) filed April 25, 2008 was received and has been considered by the Examiner.

***Response to Arguments***

3. Applicant's arguments with respect to claims 13 and 15-17 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Den Hoven et al.(US 7,152,210, hereinafter referred to as Hoven) in view of Parulski et al.(US 2003/0184656) and Ishioka et al.(US 2003/0023757).

Consider claim 13, Hoven teaches:

An image processing apparatus(figure 1) comprising:

a reproducing unit which reproduces a part of a moving image from a storage medium during a predetermined reproduction time(See figures 1 and 2, column 3, line 45 through column 4, line 42. Key frames(i.e. parts of moving images) are reproduced in a browsing area of a display. These frames are moved in and out of the display area

at a certain speed(i.e. are produced during a predetermined reproduction time), column 4, lines 30-42.);

a determining unit which determines whether or not a first button is pressed before the predetermined reproduction time is passed(As a frame of a video moves through the display area(i.e. before the predetermined reproduction time is passed), if a button of a mouse is clicked with the pointer over the frame, the video is selected, column 4, lines 53-59.),

wherein said reproducing unit reproduces not only said part of the moving image(i.e. the key frame) but also reproduces the remaining part of the moving image if said determining unit determines that the first button is pressed before the predetermined reproduction time is passed(Column 3, lines 59-64 and column 4, lines 53-59).

However, Hoven does not explicitly teach that said reproducing unit starts reproduction of a next still image or moving image, if reproduction of the moving image reaches the end of the moving image.

Parulski et al. are similar to Hoven in that Parulski et al. teach of reproducing a part of a moving image(paragraph 0055, figure 5A), and of starting the reproduction of the rest of the moving image when a button("play icon", 522) is pressed(paragraphs 0055-0057).

However, in addition to the teachings of Hoven, Parulski et al. teach that said reproducing unit starts reproduction of a next still image or moving image, if reproduction of the moving image reaches the end of the moving image(See

paragraphs 0044 and 0059. A number of video files can be played back, one immediately after the other, and treated as a single sequence.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to start the selection of a next moving image in order to reproduce the next moving image from the storage medium as taught by Parulski et al. if reproduction of the moving image taught by Hoven reaches the end of the moving image for the benefit of creating a more versatile device in which the user has the ability to have a plurality of selected motion view segments played back sequentially without merging the actual motion video files, which could take significant computations(Parulski et al., paragraphs 0044 and 0059).

However, the combination of Hoven and Parulski et al. does not explicitly teach that said determining unit determines whether a second button is pressed during the reproduction of the remaining part of the moving image, and wherein said reproducing unit terminates the reproduction of the remaining part of the moving image and then starts reproduction of a next still image or moving image, if said determining unit determines that the second button is pressed during the reproduction of the remaining part of the moving image.

Ishioka et al. similarly teaches of an electronic device(200, figure 1) for displaying moving images(paragraph 0057) on a display(figure 15). Ishioka et al. also similarly teaches of "play" and "stop" buttons(MA-2 and MA-3) for controlling the playback of video(paragraph 0122). Like Parulski et al., Ishioka et al. teaches that a video stream is comprised of smaller video portions(i.e. blocks, figure 11, paragraph 0070).

However, in addition to the teachings of Hoven and Parulski et al., Ishioka et al. teaches that a determining unit determines whether a second button("Next", MA-5, figure 15) is pressed during the reproduction of the remaining part of the moving image, and wherein said reproducing unit terminates the reproduction of the remaining part of the moving image and then starts reproduction of a next still image or moving image, if said determining unit determines that the second button is pressed during the reproduction of the remaining part of the moving image(When a video is being reproduced, the user can depress a "Next" button(MA-5) which skips from the currently reproduced video block to the next video block for reproduction, paragraphs 0122-0123. Because the user wishes to "skip" to the next video block, the reproduction of the current video block is terminated.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to include a second button for terminating reproduction of a first moving image and starting reproduction of a second moving or still image as taught by Ishioka et al. in the camera taught by the combination of Hoven and Parulski et al. for the benefit of generating video more efficiently by considering the preferences and feedback of the users(Ishioka et al., paragraph 0009).

Consider claim 15, and as applied to claim 13 above, Hoven further teaches:  
a display(104 and 103) unit which displays the part of the moving image(the key frame) reproduced from the storage medium(column 3, lines 45-64), wherein said display unit(104 and 103) displays not only said part of the moving image(the key

frame) but also the remaining part of the moving image if said determining unit determines that the first button is pressed before the predetermined reproduction time is passed(Column 3, lines 59-64 and column 4, lines 53-59. See claim 13 rationale.).

Consider claim 16, and as applied to claim 13 above, Hoven further teaches:

A video signal output unit(104 and 103) which outputs(i.e. displays) the part of the moving image(the key frame) reproduced from the storage medium(column 3 lines 45-64), wherein said video signal output unit(104 and 103) outputs not only said part of the moving image(the key frame) but also outputs the remaining part of the moving image if said determining unit determines that the first button is pressed before the predetermined reproduction time is passed(Column 3, lines 59-64 and column 4, lines 53-59. See claim 13 rationale.).

Consider claim 17, and as applied to claim 13 above, Hoven further teaches that the image processing apparatus includes a digital camera(See column 4, lines 2-8).

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALBERT H. CUTLER whose telephone number is (571)270-1460. The examiner can normally be reached on Mon-Thu (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AC/  
10/06/2008

*/Ngoc-Yen T. VU/  
Supervisory Patent Examiner, Art Unit 2622*